

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF VERMONT

**BRIAN WUOTI; KAITLYN WUOTI;
MICHAEL GANTT; and REBECCA
GANTT,**

Plaintiffs,

v.

CHRISTOPHER WINTERS, in his
official capacity as Commissioner of
the Vermont Department for Children
and Families, **ARYKA RADKE**, in
her official capacity as Deputy
Commissioner of the Family Services
Division, and **STACEY EDMUNDS**,
in her official capacity as Director of
Residential Licensing & Special
Investigations,

Defendants.

Case No.: 2:24-cv-00614

Judge William K. Sessions III

**STIPULATED DISCOVERY
SCHEDULE/ORDER**

The parties submit the following Discovery Schedule pursuant to Local Rule 26(a)(2):

INTRODUCTION

1. In this case, discovery may be needed on the allegations in the Verified Complaint (Doc. 1) and Defendants' Answer and Affirmative Defenses, including the Department for Children and Families' ("Department") licensing rules, licensing process, exemption process, and individual-placement process; the Department's revocation of Plaintiffs' foster-care licenses; Plaintiffs' qualifications to be foster parents; and the Department's alleged justifications for its licensing rules and for revoking Plaintiffs' licenses (*see, e.g.*, Defs.' Mem. Opp'n Pls.' Mot. Prelim. Inj. § I.D.,

Doc. 26). Unless noted here to the contrary and in more detail, discovery in this matter shall not be conducted in phases or limited to particular, enumerated issues.

2. The parties have conferred about disclosure, discovery, and preservation of electronically stored information (“ESI”). Unless noted otherwise, ESI shall be produced according to procedure outlined in Exhibit A. The parties request the Court enter Exhibit A as part of its scheduling order.

3. The parties have conferred about claims of privilege and claims of protection and confidentiality. Unless noted otherwise, ESI shall be produced according to the procedures outlined in Exhibit A. The parties request the Court enter Exhibit A as part of its scheduling order. Unless specifically requested in a filing with this court, the parties agreed procedure will not be the subject of a court order under Federal Rule of Evidence 502.

4. Any changes in the limitations on discovery imposed under the Federal Rules of Civil Procedure or the Local Rules for this District shall be specifically described below.

DEADLINES

1. The parties shall serve initial disclosures pursuant to Fed. R. Civ. P. 26(a)(1) on or before October 28, 2024.

2. The parties shall serve all interrogatories and requests for production on or before March 31, 2025.

3. Depositions of all non-expert witnesses shall be completed by March 31, 2025.

4. Parties shall submit expert witness reports on or before January 10, 2025. Depositions of initial expert witnesses shall be completed by May 2, 2025.

5. Parties shall submit rebuttal expert reports on or before March 3, 2025. Depositions of rebuttal experts shall be completed by May 2, 2025.

6. The Early Neutral Evaluation session shall be conducted on February 13, 2025 at 9:30 a.m. The parties have agreed that Gregory S. Clayton will serve as the early neutral evaluator. (Note: Paragraph 10 only applies to ENE-eligible cases pursuant to Local Rule No. 16.1.)

7. The parties shall serve all requests for admission on or before March 31, 2025.

8. All discovery shall be completed by May 2, 2025 (no later than 8 months after filing of the Answer or Third-Party Answer).

9. Motions for joinder of parties and amendments to the pleadings shall be filed on or before October 28, 2024.

10. Motions, including summary judgment motions but excluding motions relating to the conduct of the trial, shall be filed on or before June 2, 2025.

11. The parties ask the Court to set a scheduling conference two weeks after ruling on motions for summary judgment.

Respectfully submitted this 9th day of October 2024.

/s/ Jonathan T. Rose

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APPROVED and SO ORDERED:

/s/ William K. Sessions III

U.S. District Judge

Date: October 10, 2024